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**From:** Grundler, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=D3BE58C2CC8545D88CF74F3896D4460F-GRUNDLER, CHRISTOPHER]  
**Sent:** 2/19/2016 3:23:32 AM  
**To:** McCabe, Janet [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2ca413e5a534895bd6042d82e5b5f63-McCabe, Janet]  
**Subject:** Re: Volkswagen Clips 2/18

All you need is \$500k for the latest diesel PEMS unit.

Christopher Grundler, Director  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency  
202.564.1682 (Washington)  
734.214.4207 (Ann Arbor)  
[www.epa.gov/otaq](http://www.epa.gov/otaq)

On Feb 18, 2016, at 10:20 PM, McCabe, Janet <[McCabe.Janet@epa.gov](mailto:McCabe.Janet@epa.gov)> wrote:

Can anyone test cars now?

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**From:** Valentine, Julia  
**Sent:** Thursday, February 18, 2016 12:42 PM  
**To:** Giles-AA, Cynthia <[Giles-AA.Cynthia@epa.gov](mailto:Giles-AA.Cynthia@epa.gov)>; Davis, Jay <[Davis.Jay@epa.gov](mailto:Davis.Jay@epa.gov)>; Grundler, Christopher <[grundler.christopher@epa.gov](mailto:grundler.christopher@epa.gov)>; Harrison, Melissa <[Harrison.Melissa@epa.gov](mailto:Harrison.Melissa@epa.gov)>; Werner, Jacqueline <[Werner.Jacqueline@epa.gov](mailto:Werner.Jacqueline@epa.gov)>; Hengst, Benjamin <[Hengst.Benjamin@epa.gov](mailto:Hengst.Benjamin@epa.gov)>; Birgfeld, Erin <[Erin.Birgfeld@epa.gov](mailto:Erin.Birgfeld@epa.gov)>; Millett, John <[John.Millett@epa.gov](mailto:John.Millett@epa.gov)>; Hull, George <[George.Hull@epa.gov](mailto:George.Hull@epa.gov)>; Conger, Nick <[Nick.Conger@epa.gov](mailto:Nick.Conger@epa.gov)>; Brooks, Phillip <[Phillip.Brooks@epa.gov](mailto:Phillip.Brooks@epa.gov)>; Cohen, Janet <[Janet.Cohen@epa.gov](mailto:Janet.Cohen@epa.gov)>; Smith, Roxanne <[Roxanne.Smith@epa.gov](mailto:Roxanne.Smith@epa.gov)>; Phillips, Anna <[Anna.Phillips@epa.gov](mailto:Anna.Phillips@epa.gov)>; Fogarty, Johnpc <[Johnpc.Fogarty@epa.gov](mailto:Johnpc.Fogarty@epa.gov)>; Hart, Daniel <[Daniel.Hart@epa.gov](mailto:Daniel.Hart@epa.gov)>; Senn, John <[John.Senn@epa.gov](mailto:John.Senn@epa.gov)>; McCabe, Janet <[McCabe.Janet@epa.gov](mailto:McCabe.Janet@epa.gov)>; StClair, Christie <[Christie.StClair@epa.gov](mailto:Christie.StClair@epa.gov)>; Mylan, Christopher <[Christopher.Mylan@epa.gov](mailto:Christopher.Mylan@epa.gov)>; Allen, Laura <[Laura.Allen@epa.gov](mailto:Laura.Allen@epa.gov)>; Grantham, Nancy <[Nancy.Grantham@epa.gov](mailto:Nancy.Grantham@epa.gov)>; Belser, Evan <[Evan.Belser@epa.gov](mailto:Evan.Belser@epa.gov)>; Kaul, Meetu <[Meetu.Kaul@epa.gov](mailto:Meetu.Kaul@epa.gov)>; Bunker, Byron <[Byron.Bunker@epa.gov](mailto:Byron.Bunker@epa.gov)>; Purchia, Liz <[Liz.Purchia@epa.gov](mailto:Liz.Purchia@epa.gov)>; Cook, Leila <[Leila.Cook@epa.gov](mailto:Leila.Cook@epa.gov)>; Orquina, Jessica <[Jessica.Orquina@epa.gov](mailto:Jessica.Orquina@epa.gov)>; Georges, Thomas <[Thomas.Georges@epa.gov](mailto:Thomas.Georges@epa.gov)>; Cavalier, Erin <[Erin.Cavalier@epa.gov](mailto:Erin.Cavalier@epa.gov)>; Valentine, Julia <[Julia.Valentine@epa.gov](mailto:Julia.Valentine@epa.gov)>  
**Subject:** Volkswagen Clips 2/18

Bloomberg Top News:

02/18 17:02

\*MERCEDES CAR EMISSIONS ILLEGAL AT LOW TEMPERATURES, SUIT CLAIMS

\*LAW FIRM SAYS IT SUED GERMAN AUTOMAKER OVER BLUETEC VEHICLES

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Mercedes Car Emissions Illegal at Low Temperatures, Suit Claims

2016-02-18 17:05:53.534 GMT

By Andrew Harris

(Bloomberg) -- Mercedes-Benz was sued over claims its Clean Diesel BlueTec vehicles emit

“dangerous” levels of emissions at low temperatures.

Law firm Hagens Berman said it filed a lawsuit in federal court in New Jersey alleging the German automaker knowingly programmed the vehicles to emit illegal emissions. The suit couldn’t immediately be verified in court records.

Link to Company [News: {DAI GR <Equity> CN <GO>}](#)

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*Here is the release that the company sent out, as sent to us by a reporter:*

## **Hagens Berman Files National Lawsuit Against Mercedes Stating BlueTEC Diesels Pollute at Illegal Levels**

*Class action accuses Mercedes of deceiving consumers about emissions levels*

**NEWARK**— An owner of a Mercedes BlueTEC diesel automobile today filed a [class-action lawsuit against Mercedes](#) stating the automaker knowingly programmed its Clean Diesel vehicles to emit illegal, dangerous levels of nitrogen oxide (NOx) at levels 65 times higher than those permitted by the EPA when operating in temperatures below 50 degrees Fahrenheit, according to consumer-rights law firm, Hagens Berman.

The suit filed Feb. 18, 2016 in the U.S. District Court for the Northern District of Illinois accuses Mercedes of deceiving consumers with false representations of its BlueTEC vehicles, which it marketed as “the world’s cleanest and most advanced diesel” with “ultra-low emissions, high fuel economy and responsive performance” that emits “up to 30% lower greenhouse-gas emissions than gasoline.” According to the complaint, on-road testing confirmed that Mercedes’ so-called Clean Diesel cars produced average on-road NOx emissions that are 19 times higher than the U.S. standard, with some instantaneous readings as high as 65 times more than the U.S. limit.

“Mercedes labeled its BlueTEC vehicles as ‘earth friendly,’ selling consumers the false notion that these diesel cars were less harmful to the environment, but Mercedes never divulged to consumers that BlueTEC diesels pollute at illegal levels when driven at lower temperatures and that its ‘champion of the environment’ mantra was a sham,” said Steve Berman, managing partner of Hagens Berman. “It appears that Mercedes has been caught in a similar scheme as Volkswagen and programmed these BlueTEC vehicles to pollute, all the while reaping profits from those who have fallen victim to its aggressive and deceptive eco-conscious branding.”

### **[Infographic: Mercedes’ Dirty Diesels](#)**

The suit seeks relief for those who purchased the affected vehicles, including injunctive relief in the form of a recall or free replacement program and restitution including either recovery of the purchase price or overpayment or diminution in value due to Mercedes’ misleading statements and omissions regarding the emission levels of its Clean Diesel BlueTEC vehicles.

The lawsuit alleges that the following Mercedes models powered by BlueTEC diesel-fueled engines are affected by the unlawful, unfair, deceptive and otherwise defective emission controls utilized by Mercedes. [Contact Hagens Berman to find out your rights](#), if you purchased or leased one of the following affected BlueTEC vehicles:

- <!--[if !supportLists]--><!--[endif]-->ML 320
- <!--[if !supportLists]--><!--[endif]-->ML 350
- <!--[if !supportLists]--><!--[endif]-->GL 320
- <!--[if !supportLists]--><!--[endif]-->E320
- <!--[if !supportLists]--><!--[endif]-->S350
- <!--[if !supportLists]--><!--[endif]-->R320
- <!--[if !supportLists]--><!--[endif]-->E Class

- <!--[if !supportLists]--><!--[endif]-->GL Class
- <!--[if !supportLists]--><!--[endif]-->ML Class
- <!--[if !supportLists]--><!--[endif]-->R Class
- <!--[if !supportLists]--><!--[endif]-->S Class
- <!--[if !supportLists]--><!--[endif]-->GLK Class
- <!--[if !supportLists]--><!--[endif]-->GLE Class
- <!--[if !supportLists]--><!--[endif]-->Sprinter

The complaint states, "Exposure to these pollutants has been linked with serious health dangers, including asthma attacks and other respiratory illness serious enough to send people to the hospital. Ozone and particulate matter exposure have been associated with premature death due to respiratory-related or cardiovascular-related effects."

"When we filed the first lawsuit against Volkswagen regarding their use of emissions-cheating software, we felt they were not the only culprits duping consumers into paying a high price for deceptive diesels," Berman said. "Mercedes' deception involves a cover-up of even higher levels of pollution, and consumers paid high prices for these luxury vehicles they thought were clean, only to be forced to drive diesel cars dirtier than their gasoline counterparts."

### **About BlueTEC Dirty Diesels**

According to the complaint, diesel engines pose a particularly difficult challenge to the environment because they have trade-off between power, fuel efficiency and emissions: the greater the power and fuel efficiency, the dirtier and more harmful the emissions.

"Car manufacturers have struggled to produce diesel engines that have high power and strong fuel efficiency but also cleaner emissions," reads the complaint. "Mercedes' response to the challenge has been the BlueTEC diesel engine."

Compared to gasoline engines, diesel engines generally produce greater torque, low-end power, better drivability and much higher fuel efficiency. But these benefits come at the cost of much dirtier and more harmful emissions, including NOx, which include a variety of nitrogen and oxygen chemical compounds that only form at high temperatures.

Hagens Berman has brought high-profile cases against General Motors, Toyota and Kia, and was the first firm in the nation to file a lawsuit against Volkswagen and Audi for their use of emissions-cheating software. The firm is now in a leadership position in the VW multi-district litigation.

Find out more about the [class-action lawsuit against Mercedes](#).

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### **About Hagens Berman**

Hagens Berman Sobol Shapiro LLP is a consumer-rights class-action law firm with offices in 10 cities. The firm has been named to the National Law Journal's Plaintiffs' Hot List eight times. More about the law firm and its successes can be found at [www.hbsslaw.com](http://www.hbsslaw.com). Follow the firm for updates and news at [@ClassActionLaw](#).

### **Media Contact**

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9:03 AM  
 NYT

EDITORIAL

By THE EDITORIAL BOARD

FEBRUARY 16, 2016

Volkswagen is rarely out of the news these days, but the stories hardly paint a coherent picture. One report says VW is planning to offer “generous” compensation to American owners of VW cars with software designed to cheat on emissions tests. Yet another says that the trickery may not have been illegal in Europe, where auto manufacturers can apparently determine engine settings for pollution testing, making sure their test cars will pass even if the cars on the road never would. Does that mean the scandal is all about testing standards?

No, it does not. Though European regulators are notoriously more lax in their testing and have long had an accommodating relationship with the auto industry, the salient point is that Volkswagen and other major auto producers are well aware that the nitrogen oxides exhausted by diesel engines lead to respiratory and cardiovascular illnesses, smog and acid rain, and cause premature deaths — in Europe as in America — and have deceived the public about controlling them. That is what the scandal is all about.

Volkswagen, which has considerable experience with diesel engines and, until the scandal, had ambitions to be the world’s largest auto producer, should have been the leader in clean diesel — and indeed that’s what it claimed to be in its loud “Clean Diesel” advertising campaign. Yet even now, VW — and quite possibly other automakers — seems unable to understand that from the public’s point of view, the problem was not so much cheating on tests as concealing the threat that its cars posed to the health of the public.

Volkswagen’s chief executive, Matthias Mueller, no doubt meant it at the Detroit auto show last month when he declared yet again that he was “truly sorry.” Yet as long as VW and other car manufacturers see emissions testing, in the United States or in Europe, as a purely technical hurdle to be managed through heavy lobbying, cagey engineering, deft public relations and liberal payouts, the real problem will not be solved.